



Hendry County Sheriff's Office

General Order 5.15

TITLE: Records	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: August 4, 2018	REVISION DATE: May 14, 2019
RELATED REFERENCES: <i>Chapter 119 F.S., Chapter 257, F.S., General Records Schedule 1&2</i> CFA: 19.02M, 26.01M, 26.02, 26.03M, 26.05, 26.07M, 26.08	
REVIEW FREQUENCY: 3 YEARS	DATE OF NEXT REVIEW: May 14, 2022

I. PURPOSE: The purpose of this order is to establish guidelines for the maintenance and control of agency records.

II. SCOPE: This order shall apply to all sheriff's office members.

III. POLICY: It is the responsibility of the originating party to maintain all written agency communications and notes.

Criminal justice records of the Sheriff's Office shall be maintained by the Records Unit.

Hendry County Sheriff's Office will adhere to Florida Statutes Section 119 regarding public records. As the custodian of public records, the Sheriff has designated and charged the Records Unit with the responsibility of processing all requests to inspect and copy agency records.

IV. PROCEDURE:

A. Organization

1. The Records Unit is the agency's repository for all case, incident, and arrest records and reports. In addition to general records functions, the Section is responsible for Uniform Crime Reporting (UCR).
2. The Sheriff's Office maintains an electronic database for all reports, which is maintained in a secure 24 hours a day and authorized access only system. The Sheriff's Office does not purge electronic reports.

B. Records Maintenance and Control

1. The Records Unit Supervisor ensures that records review, control, maintenance, retrieval, and dissemination are conducted in accordance with agency directives and applicable administrative law.

2. Telecommunications Center employees assign a unique computer generated case report number to each call for service received.
3. Deputies are held accountable to ensure that all reports, property, evidence, documentation, and paperwork are completed by the end of his/her shift unless specific approval is obtained from the shift supervisor.
4. Records Unit employees review each report to ensure all applicable UCR information has been collected. Applicable reports are coded for UCR purposes and entered into the automated UCR files. Automated UCR data is transmitted semi-annually and annually to FDLE by members of the Records Unit.
5. Records Unit employees electronically scan reports into the designated repository in numerical sequence and maintain orderly, accurate files.
6. The Records Unit Supervisor directs monthly and other periodic reviews of incident and complaint records to ensure that:
 1. Reports were written, documents have been attached, received and accurately filed for each complaint requiring a case report.
 2. Reports were appropriately and accurately indexed and entered into automated files and appropriate reports coded and accurately entered into the automated UCR files.
7. When deficiencies are noted, the Records Unit Supervisor ensures that appropriate supervisors are notified of the corrective action necessary. When reports are not received by the Records Unit, supervisors are notified in writing and are to cause deficiencies to be corrected and the corrected document returned to the Records Unit within seven (7) days. When reports are pulled in error, the personnel will complete a case report, documenting case report pulled in error.
8. The Information Technology Section ensures that adequate computer programs are developed and maintained to assist the Records Unit Supervisor in conducting periodic reviews.
9. Supplemental reports and documents are to be forwarded electronically upon completion to the Records Unit by employees assigned to follow-up investigative duties.
10. All cases filed with the State Attorney's Office are routed through and tracked by Section designated employees. The Records Unit receives dispositions from the State Attorney's Office on all cases filed and forwards same to the district for distribution.
11. All notices to appear (NTA's) are routed to the Clerk of the Court thru the Records Unit.

C. Records Distribution

1. Case reports are to be completed electronically and forwarded to the Records Unit.
2. Authorized Sheriff's Office personnel have access 24 hours a day to all electronic reports.
3. Records Unit will distribute reports to individuals or agencies not connected with the Sheriff's Office which is done in accordance with appropriate public records law.
4. Supplemental Reports and associated documents or attachments are to be routed and distributed in the same fashion as case reports.

D. Records Security

1. Records Unit employees will ensure the privacy and security of the records area. All files and computer monitors will be secured to authorized personnel only.
2. The Records Unit Supervisor develops, implements and enforces written directives to ensure that:
 1. Records retention and maintenance areas are secure.
 2. Only Records Unit employees and other approved employees are permitted access to records retention and maintenance areas unless accompanied by a Records Unit employee.
 3. Records Unit employees assigned duties requiring access or operation of FCIC/NCIC are properly trained and certified in the operation and security of related systems and information.
 4. Records are reviewed, retained and disseminated in accordance with agency directives, state and federal administrative procedures and applicable law.
 5. The Records Unit cash register is in a controlled, secure area and that:
 - (1) Designated Section employees are trained in the operation of the cash register to include security precautions.
 - (2) Designated Section employees are trained in cash receipt and accounting procedures.
 - (3) The change fund and daily cash receipts are audited and verified by the Finance Section. Cash receipts are delivered to the Finance Section weekly. Funds delivered are verified by an employee in the Finance Section and a receipt issued accordingly to the delivering employee.
 - (4) Incorrect audits are investigated to a conclusion, or if not, reported via chain of command to the Sheriff.

E. Records Retention

1. The State of Florida has promulgated rules and regulations regarding the retention of public records, as defined in Florida Statutes Chapter 119. Chapter 119 states that the Florida Department of State, Bureau of Archives and Records Management are charged with the establishment of a records retention program for use by local government agencies. Florida Statutes Chapter 257, states that it is the duty of each agency to cooperate with the state in complying with the provisions of records retention and disposal by establishing and maintaining an active and continuing program for the economical and efficient management of records.
2. General
 - a. Public records serve as a history of documented events and information necessary for future reference. The type of public records and the statute of limitations for charging a defendant with a crime may determine the value of a document. Additional space required for the storage of records is also a consideration in determining if there is a need to destroy or store them elsewhere. In any case, all action taken in regard to the storage or destruction of public records must be in accordance with this Procedure or as mandated by the Florida Bureau of Archives and Records Management.

- b. The Sheriff has adopted by reference the manuals of the Florida Bureau of Archives and Records Management “Basics of Records Management”, “General Records Schedule GS1-SL for Local Government Agencies, and “General Records Schedule GS2 for Law Enforcement Agencies.” Section commanders or designated custodians are furnished with copies of each manual.
- c. The Sheriff, as chief executive officer, is designated as the official custodian of records for the Hendry County Sheriff’s Office. The Sheriff delegates this responsibility to the Records Unit Supervisor who serves as the Records Management Liaison Officer.

3. Records Management Liaison Officer

- a. In compliance with Florida Statutes 257.36(5)(A), the Sheriff designates the Records Supervisor to act as the Records Management Liaison Officer (RMLO). The duties of the RMLO are:
 - (1) To be familiar with FS Chapters 119 and 257, and the rules and guidelines promulgated by the Bureau of Archives, and to ensure that said rules and guidelines are being observed by the Sheriff’s Office.
 - (2) To act as the Sheriff’s representative to the Florida Bureau of Archives and Record Management.
 - (3) To provide a link to current editions of records retention schedules, records management manuals, and memorandums published by the Bureau of Archives on the portal.
 - (4) To assist with the storage of records and the preparation of records destruction requests.

4. Responsibility of the Section Supervisors

- a. Each section supervisor is responsible for ensuring that the records in his/her custody are maintained in accordance with the regulations of the Florida Bureau of Archives and Records Management, “General Records Schedule GS2” and “General Records Schedule GS1-SL”.
- b. Sections storing records are to ensure that they are maintained in a safe and efficient manner and are easily accessible to those having authorized access.

5. Retention Schedule

- a. Retention schedules follow the guidelines prescribed by the Florida Bureau of Archives and Records Management, “General Records Schedule GS2” and “General Records Schedule GS1-SL”.

6. Custodianship of Records

- a. Records are stored and maintained by various agency components. Unless delegated otherwise by the appropriate director, the component’s supervisor is the designated custodian of records held by that component. Examples of records held by agency components are as follows:
 - (1) Accreditation –Policies and procedures are stored in PowerDMS electronic
 - (2) PREA – Jail policies, procedures, and PREA Audits are stored in PowerDMS electronic.
 - (3) Finance – Budget, invoice, checks, payroll, fiscal records, and contracts

- (4) Jail records – Inmate records
- (5) Records – Arrest reports, uniform traffic citation books, incident reports, closed investigations, open investigations, case reports, and traffic crash reports are stored electronic.
- (6) Human Resource – Employment records, off-duty employment records, agency vehicle crash reports, grievances, and physiological
- (7) Professional Standards – Civil Litigation, agency audits, administrative investigations, supervisory inquiries, use of force reports, and pursuits report.
- (8) Evidence – Evidence and receipts records are stored electronically
- (9) Training – Training records
- (10) Civil – Civil and criminal process documentation are stored electronically
- (11) Crime Analyst – Intelligence and criminal intelligence information are stored electronically
- (12) Victim Advocate – Victim information
- (13) Fleet Maintenance – Vehicle maintenance records are stored electronically
- (14) Supply – Issued/returned equipment records are stored electronically

F. Storage of Records

1. Records are stored by the Records Management Liaison Officer at one or more of the storage facilities available to the Sheriff's Office. The RMLLO maintains logs of all records submitted for storage, including the location and any particular method of storage.
 - a. Storage within the Records Unit - Records used on a routine basis are to be stored on the immediate premises.
 - b. Sheriff's Office Storage Facility (Off-Site) - Each Section has a designated portion of the external storage facility for the purpose of storing records. All records in this facility must be inventoried, boxed, and properly labeled. Copies of all logs tracking the storage of records are submitted to the Records Management Liaison Officer.
 - c. Bureau of Archives and Records Management - Records that have historical value may be transferred directly to the bureau for permanent storage (see below).

G. Destruction of Documents

1. Before any record is considered for destruction it must be reviewed in order to determine whether or not it meets or exceeds certain values of retention. These values are to be taken under consideration prior to recommending any record for destruction.
 - a. Legal Retention Value - Validate if the record is or is not impacted by state or federal provisions, statutes, or codes. Validate if the record does or does not document the compliance

of the Sheriff's Office with certain laws. Validate if the record is or is not necessary for present or pending civil litigation.

- b. Fiscal Retention Value - Certain records document financial transactions of the Sheriff's Office. These records might include, but are not limited to budgets, payrolls, or vouchers.
- c. Archival Retention Value - Some records are important to retain indefinitely for purposes of future research. These records might, for example, document the scope, nature and extent of major state programs, or provide invaluable historical research. These records are permanently retained and may be targeted for transfer to the state archives for preservation, which provides this service.
- d. Administrative Retention Value - The administrative value of a record exists when the record continues to support the Sheriff's Office's current or future work, or until it has been superseded by a more current documentation and rendered obsolete.
- e. Upon being reviewed and evaluated, and a subsequent determination is made that a record is no longer of Sheriff's Office value and at least the minimum retention period is satisfied according to the applicable time schedule, a custodian, through his/her chain of command may request authorization from the Records Management Liaison Officer for destruction of a record.

H. Preparing for Records Destruction:

1. Prior to destroying any records the Records Management Liaison Officer: All requests for destruction of public records are to be in writing and addressed to the Records Management Liaison Officer, through the appropriate divisional section head. The submitting employee certifies by signing the Records Disposition Document form that the records being disposed of are correctly represented, that any audit requirements for the records were fully justified and that further retention is not required for any litigation pending or imminent.
 - a. The Disposition Document Form for records being considered for destruction is inspected by the Records Management Liaison Officer to determine if the records meet the minimum criteria recommended or mandated by the bureau.
 - b. Completes a Records Disposition Document provided by the bureau for this purpose;
 - c. The RMLO authorizes disposal for the listed records with any deletions or modifications indicated on the Records Disposition Document.
 - d. Once the records are disposed of in accordance with the guidelines established by the bureau, the original Records Disposition Document is returned to the RMLO and filed permanently in the Records Section.
 - e. Destruction of documents is accomplished by shredding or burning.
2. Once a year the RMLO completes and returns to the Florida Department of State, Section of Library and Information Services a signed statement attesting to the agency's compliance with records disposition laws, rules, and procedures.

I. Records Privacy and Security Precautions

1. Physical security precautions regarding access to records in the custody of the Sheriff's Office consists of at least:

- a. Providing a means of public access, when appropriate;
- b. Providing security for all areas that are used for the storage of records exempt from public disclosure and from disclosure to unauthorized agency employees.
 - (1) All such areas are to have at least electronic locking devices or deadbolt locks, with codes/keys regulated by controlling supervisors.
 - (2) All restricted access areas are to be posted with signs designating admittance only to authorized employees. Access to restricted record storage areas includes the following persons:
 - a. Records Section employees
 - b. Civil Process Section employees
 - c. Sheriff and Chief Deputy
 - d. Section heads
 - e. Divisional section heads of the secured area
 - f. Professional Standards employees
 - g. Other employees, based on an identified need
- c. Central records information is accessible 24 hours a day to authorized agency employees via electronic reports in CTS-America System.
 - (1) Records requiring confidential treatment are given secure storage, either through containment in cabinets equipped with extra locking devices or within areas individually locked or electronically alarmed. Access to any record classified as confidential under law is restricted to employees having responsibility over the secured record.
 - (2) The role of the employee (job function), and his/her subsequent security level within the Sheriff's Office determines access to records controlled by the Records Unit. Employee access to computerized records is determined by the computer access code issued to the employee by the Records Manager. Access codes to confidential and non-confidential records are determined by the position, responsibilities, and role of the employee within the Sheriff's Office.
 - (3) Cleaning, pest control and other maintenance individuals are only admitted to restricted areas under the direct and continuous observation of employee's assigned responsibility for that area.
 - (4) Employees who desire access to secure records areas to conduct business are to obtain permission prior to access and are to be under direct observation while in the secured area.

J. Release of Records

- 1. The release of records not addressed in this Procedure will be in accordance with Florida Statutes 119, or other applicable state statute. The applicable statute should always be reviewed before complying with a record request.

K. Charges for Public Records

1. The Sheriff's Office and its custodian of records makes available to any requesting person or party any qualifying record covered by the Florida Public Records Law. The Sheriff's Office recovers the cost of reproducing such records in accordance with Florida Statutes 119.07, and those charges borne by the citizens of Hendry County through the Office of the Sheriff. The cost estimate represents a fair, equitable estimate for providing the service and encompasses all costs incurred to include the comprehensive hourly costs of all employees involved to accommodate the request. Advanced deposit of the full estimate amount is required for requests exceeding \$3.
2. This Procedure establishes a schedule of charges for specific records reproduction provided by Sheriff's Office employees for any requesting person or party, and that the cost of these records reproductions are reflective of the minimum cost for providing these services. The schedule of charges contained in this Procedure is to be adhered to by Sheriff's Office employees and is to be fairly and equitably applied to all requests.
3. Schedule of Fees (HCSO 200.17-01)
 - a. The schedule of fees is established by the Sheriff or designee in accordance with Florida Statutes 119.07.
4. Methods of Payment
 - a. Individuals may pay for records reproduction fees by one of the following:
 - (1) Money Orders/Cashiers Checks
 - (2) Cash
 - (3) PERSONAL CHECKS ARE PROHIBITED.

L. Records Delivery

1. All case reports, supplements, accident reports, local criminal histories, CAD reports, or other records covered by Florida Statutes 119.07 may be received by the requestor at the Sheriff's Records Unit, by United States Postal Service Mail, by e-mail if file is not too large, or at one of the Sheriff's Office precincts.
2. Any records deemed sensitive, private, or confidential, (i.e. juvenile information and certain victim information) may be received by the requestor from the Sheriff's Records Unit or at one of the Sheriff's Office precincts upon valid proof of identification. Persons unable to pick up such records directly from the Records Unit must provide a notarized statement verifying the requestor is authorized to receive the records. The notarized statement should contain requestor's proof of identification and address.
3. The Sheriff reserves the right to withhold reproduction of any record that fails to apply or there is a question of application to Florida Statutes 119.07. In that instance, the records reproduction request is placed on hold until a decision on the record's applicability is determined by competent legal authority.

M. Hate Crimes Reporting

1. The responsibility of identifying a criminal act as a hate crime rests with investigating deputies. Identification of hate crimes may occur during the initial on-scene investigation or

during the follow-up investigation. Regardless, deputies are to be alert to the characteristics and evidence that identify criminal acts as hate crimes.

2. When an incident is identified as a hate crime, reporting deputies are to check the appropriate block on the Incident Report Form. When hate crime offenders are identified and evidence exists to support prosecution, deputies are to initiate prosecution. Deputies are to vigorously investigate identified hate crimes.
3. The Records Unit prepares a monthly UCR statistical report of agency hate crime reports and investigations on approved Hate Crime Statistical Report Forms and forwards the information to the Information Technology Unit.
4. The Information Technology Unit then forwards the information to FDLE electronically.

N. Records Operations

1. With the exception of recognized holidays, the Records Unit is open Monday – Friday, 0800 – 1700 hours.
2. The Records Unit maintains traffic accident reports. Employees are to direct individuals requesting traffic accident reports not handled by HCSO to the appropriate law enforcement agency.
3. Traffic citations are received from each district. An automated file is maintained and updated as the information is received. The indexes for this file are the driver's name, accident report date, citation number, location of incident, and incident type. Traffic citations and related data are transmitted to the Hendry Clerk of Court. Traffic citation data is stored in the computer system where it can be accessed for enforcement and activity analysis. Distribution of traffic reports and citations to individuals and agencies not connected with the Sheriff's Office is made in accordance with public records law.
4. The Records Unit maintains and updates daily an automated master index that includes the following:
 - a. Index by names of victims, complainants, witnesses, suspects, and defendants obtained from complaint, incident, arrest, traffic citations and traffic arrests or other report forms.
 - b. Index by location of incident or offense.
 - c. Index by incident type.
5. The Evidence Unit maintains an automated index of found, recovered and evidentiary property to assist in owner identification, prosecution of offenders and property disposition.
6. The Records Unit oversees an automated criminal history file for each person arrested. The indexes for this file are the defendant's name and/or jacket number. The primary index for all criminal history records, whether automated or hard copy is the defendant's jacket number, however, this system may be searched alphabetically. A defendant's criminal history jacket contains arrest reports, fingerprint cards, palm prints, and photographs. Part or all of any criminal history record or file may be automated.
7. CID numbers are numbers that are issued automatically and sequentially, under which all arrest related records of a defendant are filed. The CID number may be used to access any automated or hard copy arrest records. The Records Unit ensures the accuracy of criminal

history records through the FDLE's Automated Fingerprint Identification System (AFIS). Discrepancies are immediately corrected. If a defendant cannot be positively identified by fingerprints or other identifying information, they are issued a CID number for a "non-ident" criminal history file.

8. Arrest reports are written by sworn employees in accordance with agency directives. Arrest reports accompany arrestees when booked at the Jail Complex. Employees are to adhere to all Jail Complex rules, regulations, and procedures when booking arrestees.
9. Fingerprinting and photographing all arrestees is the responsibility of Jail Complex employees.
10. Arrest records are delivered daily to the Records Unit from the Jail Complex. Records Unit employees enter the basic information in the automated files that initiates or adds to automated criminal history files.
11. Juvenile records and arrest records are collected, disseminated, and maintained in the same fashion as adult records except that all juvenile criminal history records or jackets containing fingerprints, photographs and other forms of identification or information, whether automated or hard copy, are stamped "CONFIDENTIAL JUVENILE". Juvenile arrest records are filed separately from adult records in file cabinets inside a locked room clearly marked "CONFIDENTIAL JUVENILE". Juvenile arrests, fingerprints, and photographs are sent to the Jail Records Unit in a separate courier envelope. Applicable agency directives, administrative procedures, and laws are adhered to in the maintenance and control and release of juvenile records.
12. To enhance operational effectiveness, division sections may keep copies of reports; however, all original or "Records Copy" reports are to be forwarded to the Records Unit. Exceptions are Intelligence, Vice, Narcotics, and Internal Investigative reports and records, which are maintained in secure files of the respective sections.

V. GLOSSARY

CONFIDENTIAL – Means not to be shared with persons or released without the express, written consent of the individual concerned. Limits to confidentiality apply in certain circumstances, as defined by law.

CUSTODIAN OF RECORDS – By Statute, the Sheriff of Hendry County is the agency Custodian of records. The Sheriff has delegated the custodian of Records function to the designated Records Management Liaison Officer.

HATE CRIME – Committed or attempted criminal act by any person or group of persons against a person or the property of another person or group, which in any way constitutes an expression of hatred toward the victim because of the victim's personal characteristics. Personal characteristics include race, color, religion, ethnicity, ancestry, national origin and sexual orientation.

JUVENILE (CHILD) – Any unmarried person under the age of eighteen (18) alleged to be dependent; Any person who is charged with a violation of law occurring prior to the time that person reached the age of eighteen (18) years of age.

PUBLIC RECORDS – Florida Statutes Section 119.011(1), defines public records as: "*All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency*". Examples of public records include intra-office memoranda, and preliminary working drafts communicated

to other members of the Sheriff's Office for review. When in doubt as to whether your E-mail is a public record consult the Sheriff's Records Section Manager.

RECORD – Any media that captures, preserves and/or disseminates information. A record may be a map, letter, computer recording, film, photograph, sound recording or any other format that contains information.

RECORDS MANAGEMENT LIAISON OFFICER (RMLO) – Employee appointed by the Sheriff or designee to coordinate agency records retention schedules and disposition in accordance with applicable law.

UNIFORM CRIME REPORTS (UCR) – A standardized report and reporting procedure for collecting and reporting statewide and national complaint, incident and arrest data.

Your electronic signature in Power DMS acknowledges you have read this policy and understand it.